

MCPC – Minutes – November 18, 2008

The Madison County Plan Commission met on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, Larry Crenshaw, John Orick, John Simmermon Brad Newman, Mark Gary and Wesley Likens.

Members Absent: John Randall, Jr.

Also Present: Cory Wilson, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken with John Randall being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Gary made a motion to approve the minutes. Member Crenshaw seconded the motion. The vote was unanimous in favor of the motion.

The public was informed there will be a hearing after the conclusion of today's meeting to discuss a draft for the Madison County Wind Energy Conversion Ordinance. This hearing will take place in room 109.

New Business:

1. **Petition:** **08-W-003**
 Address: 1414 West CR 500 South
 Location: North side of CR 500 South, West of CR 100 West
 Petitioner: Raymond & Mildred Rittman
 Request: Relief of Subdivision Regulations requiring public water and sewer.

John Manship, Surveyor, home address, 3140 Meadow Crest, Anderson, work address, 626 Jackson Street, Anderson was present representing the landowners.

Mr. Manship informed the board he had a written consent form from the landowners giving their permission for him to represent them at today's meeting.

Out of the 77 acres, five acres was split out with the house and some out buildings for the grandson. Now they wish to split off some ground for the two daughters but because the zoning was change in 2002 to a residential zoning the requirement of public water and sewer cannot be met. All structures are existing.

Greg Valentine, 5297 S 800W, Lapel was present represent Fall Creek Regional Waste District.

Mr. Valentine explained that the F.C.R.W.D. has no plans to run any lines in that area. Therefore, water and sewer will not be available to in that area for some time.

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Director Wilson stated staff recommends approval of the waiver request.

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is located along CR 650 North in Richland Township. This request would provide for the creation of a 2.855 acre parcel with a lot width of 80 feet and a depth of 1,051 feet. The Comprehensive Plan recommends large-lot residential development (CR) for this site. The parcel is surrounded by CR-zoned property all improved with residential structures.

DEVELOPMENT PATTERN

- ◇ *The Madison County Land Use & Development Code* describes the conservation residential district as an area for the development of clusters of medium-sized homes on large lots in otherwise agriculture areas. The intent of this district is to provide for the construction of rural residences in and around small recreational farms while maintaining the viability of the surrounding large-scale farming operations and preserving land for agriculture, open space, and higher density development.
- ◇ The immediate area around the subject site is characterized by long, narrow lots and this request would be consistent with that development pattern.

GENERAL INFORMATION



LEGAL NOTICES

Post-marked October 30, 2008

There were no remonstrators present.

Member Wilson made a motion, seconded by Member Orick to approve Petition 08-W-003 per staff recommendation and the Findings of Fact. The vote was unanimous in favor of the motion. **Petition: 08-W-003 was approved.**

2. **Petition:** **08-W-004 & 08-W-006**
 Address: 1131 East CR 650 North, Alexandria
 Location: South side of CR 650 North, just north of CR 125 East

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Petitioner: Melissa Hobbs
Request: Relief of Subdivision Regulations for required road frontage and required width to depth ratio.

The board was informed the two above petitions and Petition 08-W-08 have been combined for hearing purposes but could be voted on separately.

Keith Van Wienen from Precise Land Surveying was present representing Barbara Ogden.

Barbara Ogden lives in the house on the west side but is moving to the house on the east side which is in the process of being split. Melissa Hobbs will be purchasing the house on the west side.

Michelle and Dan King neighbors who live on the property adjoining to the north were present and stated they were just here to see what the meeting was concerning. They wanted to ensure that new homes weren't being built.

Director Wilson stated staff *would be recommending approval of this request.*

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is located along CR 650 North in Richland Township. This request would provide for the creation of a 2.084 acre parcel with a width of 122.20 feet and a depth of 742.94 feet. The Comprehensive Plan recommends large-lot residential development (CR) for this site. The parcel is surrounded by CR-zoned property improved with residential structures.

DEVELOPMENT PATTERN

- ◇ The Madison County Land Use & Development Code describes the conservation residential district as an area for the development of clusters of medium sized homes on large lots in otherwise agriculture areas. The intent of this district is to allow for the construction of rural residences in and small recreational farms while maintaining the viability of the surrounding large-scale farming operations and preserving land for agriculture, open space and future higher density development.
- ◇ The immediate area is characterized by long, narrow lots and this request would be consistent with that development pattern.

GENERAL INFORMATION

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LEGAL NOTICES

Post-marked October 30, 2008

There were no remonstrators present.

Member Newman made a motion to approve Petition 08-04 per the Findings of Fact:

1. *This would not be detrimental to the public safety, health, or general welfare?*
2. *Approval of this petition would not be injurious to the reasonable use and development of other property.*
3. *Conditions of this request are unique to this specific property, which would not be applicable to other property.*
4. *Strict application of the regulations of the ordinance would result in a practical difficulty in the permitted use of the property.*
5. *Approval of this request does not contradict the intent of the Comprehensive Plan.*

Member Orick seconded the motion.

The vote was unanimous in favor of the motion. **Petition 08-W-004 was approved.**

Member Orick made a motion to approve Petition 08-W-06 per staff recommendation and the above Findings of Fact. Also per the site plan submitted November 18, 2008. All set backs are legally established.

Member Newman seconded the motion.

The vote was unanimous in favor of the motion. **Petition 08-W-006 was approved.**

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3. **Petition: 08-W-008**

Address: 1149 East CR 650 North, Alexandria
 Location: South side of CR 650 North, just north of CR 125 East of State Road 9.
 Petitioner: Barbara J. Ogden
 Request: Relief of Subdivision Regulations for required lot width to depth ratio.

Keith Van Wienen from Precise Land Surveying was present representing Barbara Ogden.

Since this site is adjacent to the previous petition, a number of issues may have been discussed at that time.

This petition was also discussed along with the above Petitions 04 and 06.

There were no remonstrators present.

Member Wilson made a motion to approve Petition 08-W-008 per staff recommendations and the above Findings of Fact.

Member Gary seconded the motion.

The vote was unanimous in favor of the motion. **Petition 08-W-008 was approved.**

4. **Petition: 08-W-005 & 08-W-007**

Address: 9170 West Eighth Street, Anderson
 Location: North side of Eighth Street, West of CR 900 West
 Petitioner: Donald & Willodean Bardonner
 Request: Provide for a split of less than the required 2 acres for the creation of an additional building tract, and relief of the required 25' side setback.

Ben Chaiser from Ward Surveying, 920 Main Street was present representing the landowners.

Mr. Chaiser told the board he had written consent from the landowners to represent them.

Janice Plummer, 9246 W 8th Street Road and Van Bracken, North St. Rd. 13 were present concerning this petition.

After a lengthy discussion concerning the need for and placement of a septic system should the existing system failed. Member Wilson made a motion to table Petitions 08-W-005 and 08-W-007 until a new site plan showing existing laterals and where possibly a new system could be placed if the old ones would fail be submitted. Also, the Board of Health would need to advise if a new system could be installed.

Member Newman seconded the motion.

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The vote was unanimous in favor of the motion. Petition 08-W-005 & 08-W-007 was tabled.

Miscellaneous: The calendars for 2009 MCPC meeting dates was passed out to the board members and will be discussed at the December meeting.

Everyone was informed the board was now moving to room 109 for the public hearing on the draft for the Madison County Wind Energy Conversion Ordinance.

It was the consensus of the board to adjourn.

Adjournment: 9:58:08 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary